

### **REMARKS/ARGUMENTS**

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-20 are presently pending in this application.

In the outstanding Office Action, Claims 1-8 and 11-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hiraishi et al. (U.S. Publication 2002/0027626); Claims 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hiraishi et al. in view of Kubota et al. (U.S. Patent 5,807,440); and Claims 18-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hiraishi et al. in view of Gunn et al. (U.S. Patent 6,665,027).

Briefly recapitulating, Claim 1 is directed to a semitransparent reflector satisfying the following optical characteristics (1) and (2): (1)  $10 \% \leq T \leq 80 \%$ ,  $20 \% \leq R \leq 90 \%$ ,  $80 \% \leq (T + R) \leq 100 \%$  (2)  $8 \% \leq (R - R_d) \leq 30 \%$ , wherein T indicates the whole light transmittance (%) of the reflector, R indicates the whole light reflectance (%) thereof,  $R_d$  indicates the whole light diffusion reflectance (%) thereof. Having such optical characteristics, the semitransparent reflector achieves improved visibility of images on a display device.<sup>1</sup>

The outstanding Office Action asserts that Claim 1 is obvious over Hiraishi et al. because “Hiraishi fails to explicitly [disclose] the transmittance, reflectance, and diffusion reflectance of claim 1,” but “since applicant share [*sic*] common base and protective layers a common particulate and common stretching ratios and common thicknesses of the films it is *inherent* that similar or overlapping values of reflectance and transmittance and diffusion reflectance would be arrived at” (emphasis added). However, with regard to inherency, MPEP §2112 states:

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<sup>1</sup> Specification, page 3, lines 7-13.

“In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.” *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original)

And it is respectfully submitted that the claimed optical characteristics do not necessarily flow from the teachings of Hiraishi et al. at least for the following reasons. Specifically, as described in the specification, page 3, lines 20-26, and page 14, lines 15-23, in the process of manufacturing the reflector of the present application, a flaky inorganic fine powder and/or an organic filler is incorporated into a base layer and the base layer is *biaxially* stretched. Furthermore, in this *biaxial* stretching, the draw ratios in machine and transverse directions are controlled so that flaky pores having a structure like a true circle are formed in the base layer. On the other hand, in a method of producing laminated films according to Hiraishi et al., the films are stretched *monoaxially*, not *biaxially*. More specifically, Hiraishi et al. states in the “SUMMARY OF THE INVENTION” portion as follows:

“... the laminated film comprising the anisotropic light-scattering layer and the transparent resin layer is monoaxially stretched, so that the higher (sharper) optical anisotropy is impaired to the film with compared to the case of monoaxially stretching a film comprising the anisotropic light-scattering layer alone.”<sup>2</sup> (emphasis added)

Hiraishi et al. also describes its film production process as follows:

“According to the presenet [*sic*] invention, the laminated film (in particular, coextruded film) is subjected to the orientation treatment in the production process of the film (e.g., a forming step of the film). The orientation treatment can be achieved by, for example, the method comprising coextruding the resins constituting the laminated film and giving a draft (or draw) to form the film in the course of extrusion, the method comprising solidifying the laminated film which has been formed and monoaxially stretching the film. By treating the film with the above process, the particles of the particulate dispersed phase can be oriented along draw direction or the stretching direction. Incidentally, if necessary,

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<sup>2</sup> Hiraishi et al., paragraph [0024].

a draw treatment may be combined with the monoaxial stretching treatment.”<sup>3</sup> (emphasis added)

That is, Hiraishi et al. describes *monoaxial* stretching of the film, and states that if necessary, the monoaxial stretching and drawing may be conducted in combination. For example, in the method described in Example 1 of Hiraishi et al., a resin is coextruded from a T-die at a draw ratio of about 3 onto a cooling drum,<sup>4</sup> and subsequently the film is monoaxially stretched by the roll calendaring method,<sup>5</sup> but the drawing and stretching are believed to be performed in the same direction, not perpendicularly to each other. According to Hiraishi et al., when the laminated film is stretched, “an aspect ratio and the orientation of the particulate dispersed phase can be dramatically enhanced and scattering light can be exceedingly provided with high anisotropy.”<sup>6</sup> However, it is believed that the aspect ratio and the orientation cannot be enhanced by drawing the film monoaxially and then stretching the resultant film monoaxially in the direction perpendicular to the drawing direction (*i.e.*, biaxial stretching process). As such, Hiraishi et al. does not teach or suggest the biaxial stretching of the present application.

Also, the Office Action asserts that “[t]he reference discloses a preferred areal draw ratio of 6 to 50 and a preferred Lmd/Ltd (stretch in machine direction to the transvers [*sic*]) of .2 to 1.4 (derived by 2/10 to 5/3 as the machine direction is discloses [*sic*] to be 2 to 5 and the transverse direction is 3 to 10) are met by the references as the stretching amounts are the same or at the very least similar such that they [*sic*] reference and applicants are obvious over the reference.” However, it is respectfully submitted that Hiraishi et al. only describes a preferable range for each of the draw ratio and stretching factor in paragraphs [0097]-[0099], and fails to teach an areal draw ratio or an Lmd/Ltd value.

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<sup>3</sup> Hiraishi et al., paragraph [0096].

<sup>4</sup> Id., paragraph [150].

<sup>5</sup> Id., paragraph [151].

<sup>6</sup> Id., paragraph [113].

In view of the above, the optical characteristics of the reflector recited in Claim 1 do not necessarily flow from the teachings of Hiraishi et al., and therefore Claim 1 is believed to be distinguishable from Hiraishi et al.

Kubota et al. and Gunn et al. are related to a photovoltaic device and a color liquid crystal display, respectively. Nevertheless, neither Kubota et al. nor Gunn et al. teaches the optical characteristics of the reflector as recited in Claim 1. On the other hand, Kubota et al. merely discusses a photovoltaic device including a diffuser layer, and Gunn et al. simply describes a liquid crystal display provided with a polarizer. Hence, the reflector of Claim 1 is believed to be distinguishable from Kubota et al. and Gunn et al.

Because none of Hiraishi et al., Kubota et al. and Gunn et al. discloses the subject matter as recited in Claim 1, even the combined teachings of these cited references are not believed to render the reflector recited in Claim 1 obvious.

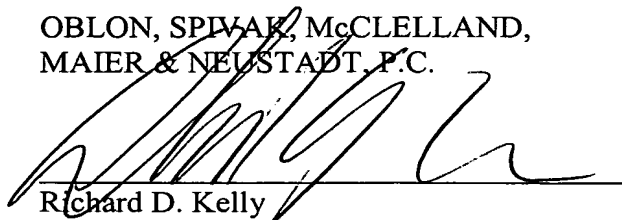
Likewise, independent Claims 2 and 3 include subject matter substantially similar to what is recited in Claim 1 to the extent discussed above. Thus, Claims 2 and 3 are also believed to be distinguishable from Hiraishi et al., Kubota et al. and Gunn et al.

For the foregoing reasons, Claims 1-3 are believed to be allowable. Furthermore, since Claims 4-20 depend ultimately from one of Claims 1-3, substantially the same arguments set forth above also apply to these dependent claims. Hence, Claims 4-20 are believed to be allowable as well.

In view of the discussions presented above, Applicants respectfully submit that the present application is in condition for allowance, and an early action favorable to that effect is earnestly solicited.

Respectfully submitted,

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